

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/696,708

Confirmation No.: 7822

Applicant

Mark T. KEATING et al.

Filed

30 October 2003

TC/A.U.

1636

Examiner

0.11 37

Celine X. QIAN

Attorney Docket No.:

2323-164

Customer No.

6449

Director of the United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

The owner, UNIVERSITY OF UTAH RESEARCH FOUNDATION, of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156, as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,207,383. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-identified patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 of any patent granted on the above-identified patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §

Application Serial No. 10/696,708 Terminal Disclaimer dated 4 October 2006

1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

The terminal disclaimer fee under 37 CFR 1.20(d) is included.

Respectfully submitted, ROTHWELL, FIGG, ERNST & MANBECK, p.c.

Jeffrey L. Ihnen

Registration No. 28,957 Attorney for Applicants 1425 K Street, N.W., Suite 800

Washington, D.C. 20005

Telephone No.: (202) 783-6040 Facsimile No.: (202) 783-6031

1355310vl <RFDMS> - 2323-164.Terminal Disclaimer